

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., TOYOTA MOTOR NORTH AMERICA, INC.,
NISSAN NORTH AMERICA, INC., FORD MOTOR COMPANY, JAGUAR
LAND ROVER NORTH AMERICA, LLC, and VOLVO CARS OF NORTH
AMERICA, LLC,
Petitioner,

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00279
Patent 6,324,463

Before JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

DECISION

Joint Motion to Terminate the *Inter Partes* Review
with Respect to Nissan North America, Inc.
35 U.S.C. § 317 and 37 C.F.R. § 42.72

1. Introduction

On December 23, 2014, Cruise Control Technologies LLC (“Patent Owner”) and Nissan North America, Inc. (“Nissan”) (collectively referred to as “the Parties”), as authorized¹, filed a Joint Motion to Terminate this *inter partes* review proceeding with respect to Nissan. Paper 32 (“Joint Motion to Terminate”).² Along with the Joint Motion to Terminate, the Parties filed a true copy of their written settlement agreement (Ex. 2002), as well as a joint request (Paper 33) to have their settlement agreement treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

2. Discussion

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The Parties also state the following in the Joint Motion to Terminate:

Patent Owner and Nissan respectfully submit that termination is appropriate because they have reached an agreement resolving the dispute involving the patent at issue in the above-captioned *Inter Partes* Review, it is prior to full briefing on the issues raised in the above-captioned *Inter Partes* Review, and the Board has not issued a final written decision. Further, Nissan represents that it will no longer participate even if the Board does not terminate its participation in the above captioned *Inter Partes* Review. That means Nissan will file no further papers. It also will not be participating in any oral argument.

¹ The motion was authorized via e-mail correspondence from Board personnel on December 19, 2014.

² Although the Motion makes reference to case “IPR2014-00289” (Joint Motion to Terminate 1) we understand that the parties are requesting termination of Nissan with respect to the IPR2014-00279 proceeding.

Joint Motion to Terminate 1.

Upon consideration of the circumstances of this proceeding, the panel has determined to terminate the *inter partes* review (IPR2014-00279) as to Nissan.

3. Order

It is

ORDERED that, as was requested timely by the Parties (Paper 33), the settlement agreement (Exhibit 2002) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the Joint Motion to Terminate the involvement of Nissan in IPR2014-00279 is *granted*.

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FOR PETITIONER:

Matthew D. Satchwell
Steven J. Reynolds
DLA PIPER LLP (US)
matthew.satchwell@dlapiper.com
Subaru-CCT-IPR@dlapiper.com

William H. Mandir
SUGHRUE MION PLLC
wmandir@sughrue.com

John M. Caracappa
STEPTOE & JOHNSON LLP
jcaracap@steptoe.com

Matthew J. Moore
LATHAM & WATKINS LLP
matthew.moore@lw.com

Wab Kadaba
KILPATRICK TOWNSEND & STOCKTON LLP
wkadaba@kilpatricktownsend.com

FOR PATENT OWNER:

John R. Kasha
Kelly L. Kasha
KASHA LAW LLC
john.kasha@kashalaw.com
kelly.kasha@kashalaw.com